

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1004

Introduced by Assembly Member Portantino

February 27, 2009

~~An act to amend Section 54953 of the Government Code, relating to open meetings.~~ *An act to add Section 53154.5 to the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1004, as amended, Portantino. ~~Open—meetings: teleconferences.~~ *Local government: emergency response.*

Existing law specifically authorizes a public agency to charge any person who is under the influence of an alcoholic beverage or drug, whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft causes an incident that requires an emergency response, who makes a false police report, or who intentionally, knowingly, and willfully enters into an area that is closed to the public or drives a vehicle on a street or highway that is temporarily covered by a rise in water level, the reasonable expenses of an emergency response to the incident.

This bill would prohibit a public agency from imposing a fee or seeking reimbursement for any expense of an emergency response for any other reason.

~~The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and all persons be permitted to attend. The act authorizes a legislative body to use teleconferencing, subject to specified requirements, including that each teleconference location be accessible to the public and that at~~

least a quorum of the members of the body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

This bill would delete the requirement that at least a quorum of the members of the body participating in a teleconferenced meeting be located within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would also delete obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53154.5 is added to the Government Code,
2 to read:

3 53154.5. Except as provided in Sections 53150, 53151, 53152,
4 53153.5, and 53159, a public agency shall not impose a fee or
5 seek reimbursement for any expenses of any emergency response.

6 SECTION 1. ~~Section 54953 of the Government Code is~~
7 amended to read:

8 54953. (a) All meetings of the legislative body of a local
9 agency shall be open and public, and all persons shall be permitted
10 to attend any meeting of the legislative body of a local agency,
11 except as otherwise provided in this chapter.

12 (b) (1) Notwithstanding any other law, the legislative body of
13 a local agency may use teleconferencing for the benefit of the
14 public and the legislative body of a local agency in connection
15 with any meeting or proceeding authorized by law. The
16 teleconferenced meeting or proceeding shall comply with all
17 requirements of this chapter and all otherwise applicable provisions
18 of law relating to a specific type of meeting or proceeding.

19 (2) Teleconferencing, as authorized by this section, may be used
20 for all purposes in connection with any meeting within the subject
21 matter jurisdiction of the legislative body. All votes taken during
22 a teleconferenced meeting shall be by rolleall.

23 (3) If the legislative body of a local agency elects to use
24 teleconferencing, it shall post agendas at all teleconference
25 locations and conduct teleconference meetings in a manner that
26 protects the statutory and constitutional rights of the parties or the
27 public appearing before the legislative body of a local agency.
28 Each teleconference location shall be identified in the notice and

1 ~~agenda of the meeting or proceeding, and each teleconference~~
2 ~~location shall be accessible to the public. The agenda shall provide~~
3 ~~an opportunity for members of the public to address the legislative~~
4 ~~body directly pursuant to Section 54954.3 at each teleconference~~
5 ~~location.~~

6 ~~(4) For purposes of this section, “teleconference” means a~~
7 ~~meeting of a legislative body, the members of which are in different~~
8 ~~locations, connected by electronic means, through either audio or~~
9 ~~video, or both. Nothing in this section shall prohibit a local agency~~
10 ~~from providing the public with additional teleconference locations.~~

11 ~~(e) No legislative body shall take action by secret ballot, whether~~
12 ~~preliminary or final.~~